

REMARKS

Claims 10-14 and 44-46 remain in the application and claims 10 and 44 have been amended hereby.

Reconsideration is respectfully requested of the rejection of claims 10-14 and 44-46 under 35 USC 102(b), as being anticipated by Ozaki et al.

Features of the optical disc recording apparatus according to the present invention are a light modulator (6 in Fig. 1) for modulating a recording laser beam (5 in Fig. 1) based on first data (D3 in Fig. 1), a light deflector (8 in Fig. 1) for deflecting based on second data (D4 in Fig. 1) the modulated laser beam and producing a variable offset from a track center in a radial direction of the disc, and an objective lens (9 in Fig. 1) for converging the modulated and deflected laser beam onto the disc. See also Fig. 2D and page 10 line 7-19 of the present application, for example.

Independent claims 10 and 44 have been amended to recite these features of the present invention.

Looking at Ozaki et al. we see that there is no light deflector for deflecting, based on second data, a modulated laser beam and producing a variable offset from a track

center in a radial direction of the disc. Ozaki et al. is merely producing a train of wobbling irregular pits used for copy protection, as shown in Fig. 6A of Ozaki et al., and not pits having a variable offset from a track center in a radial direction of the disc, as shown in Fig. 2D of the present application, such as in the present invention and used to improve disc reproduction.

Accordingly, it is respectfully submitted that amended independent claims 10 and 44, and the claims depending therefrom are not anticipated by Ozaki et al.

Reconsideration is respectfully requested of the rejection of claims 10, 11, and 44 under 35 USC 102(e), as being anticipated by Kobayashi et al.

Looking at Kobayashi et al. we see that there is no light deflector for deflecting, based on second data, a modulated laser beam and producing a variable offset from a track center in a radial direction of the disc. Kobayashi et al. is merely modulating and recording an encryption key (KS) as subdata and not pits having a variable offset from a track center such as in the presently claimed invention.

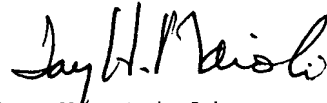
Accordingly, it is respectfully submitted that amended independent claims 10 and 44, and the claims depending

therefrom, are not anticipated by Kobayashi et al.

The prior art made of record and not relied upon has been reviewed and is not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM LLP

A handwritten signature in black ink, appearing to read "Jay H. Maioli". The signature is written in a cursive, flowing style.

Jay H. Maioli
Reg. No. 27, 213

JHM/PCF:tb